

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL KANE, et al,

Plaintiffs,

- against -

21-CV-7863 (VEC) (Lead Case)

BILL DE BLASIO, et al.,

Defendants.

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MATTHEW KEIL, et al.

Plaintiffs,

- against -

21-CV-8773 (VEC)

THE CITY OF NEW YORK, et al.,

Defendants

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**DECLARATION OF LORA MINICUCCI IN SUPPORT
OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' THIRD MOTION FOR A
PRELIMINARY INJUNCTION**

LORA MINICUCCI, declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for defendants in the above-captioned action. I am familiar with the facts set forth herein. I respectfully submit this declaration in support of Defendants' opposition to Plaintiffs' third motion for a preliminary injunction (Dkt. 156). This declaration is based on personal knowledge and a review of the files maintained by this office.

2. Plaintiff Joan Giammarino has been able to retain her position with the Department and remain unvaccinated by taking extended leave with continued health benefits while she actively litigates a parallel state-court proceeding. Plaintiff Joan Giammarino cannot be terminated while that proceeding remains pending in the trial court.

3. Attached hereto as Exhibit A is a copy of a template position statement submitted by the New York City Department of Education to the Citywide Panel regarding undue hardship and school-based personnel.

4. Attached hereto as Exhibit B is a copy of a template position statement submitted by the New York City Department of Education to the Citywide Panel regarding undue hardship and non-school-based personnel.

5. Attached hereto as Exhibit C is a copy of the Affirmation of Eric Eichenholtz which was originally filed on the public docket in MLC v. City of New York et. al., 151169/2022, NY County NYCEF Doc. No. 48.

Dated: New York, New York

May 13, 2022

/s/ Lora Minicucci
LORA MINICUCCI
Assistant Corporation Counsel